

AMENDED IN ASSEMBLY AUGUST 25, 2005

AMENDED IN ASSEMBLY AUGUST 22, 2005

SENATE BILL

No. 1026

Introduced by Senator Kehoe

(Principal coauthors: Assembly Members Mullin and Salinas)

(Coauthor: Senator Alquist)

(Coauthor: Assembly Member Lieber)

February 22, 2005

An act to add and repeal Section 1240.060 of the Code of Civil Procedure, relating to eminent-domain domain, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1026, as amended, Kehoe. Eminent domain.

Existing law authorizes public entities to seize private property under the power of eminent domain.

This bill would prohibit, until January 1, 2008, a public entity from exercising the power of eminent domain to acquire owner-occupied residential real property for private use, as defined.

The bill would also require the California Research Bureau of the State Library to submit a report to the Legislature, on or before January 1, 2007, regarding the exercise of the power of eminent domain, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1240.060 is added to the Code of Civil Procedure, to read:

1240.060. (a) Notwithstanding any other provision of law, no public entity shall exercise the power of eminent domain to acquire owner-occupied residential real property for private use.

(b) As used in this section, “private use” means any use other than as a public facility or a public works that is owned and operated by the public entity.

(c) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later statute which is enacted before January 1, 2008, deletes or extends that date.

SEC. 2. (a) On or before January 1, 2007, the California Research Bureau of the State Library shall submit to the Legislature a report that identifies:

(1) All exercises of the power of eminent domain by public entities to acquire owner-occupied residential property for private use completed between January 1, 1996, and January 1, 2006.

(2) The declared purposes for each of those acquisitions.

(3) The compensation paid for each of those acquisitions.

(4) The current owners of those real properties.

(5) The current uses of those real properties.

(b) As used in this section, “private use” means any use other than as a public facility or a public works that is owned and operated by the public entity.

SEC. 3. *This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:*

The public controversy surrounding the rights of private property owners following the United States Supreme Court’s decision in Kelo v. City of New London, ___ U.S. ___ (2005) requires a prompt but thoughtful legislative response. Accordingly, the moratorium and study required by this act are essential.